

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

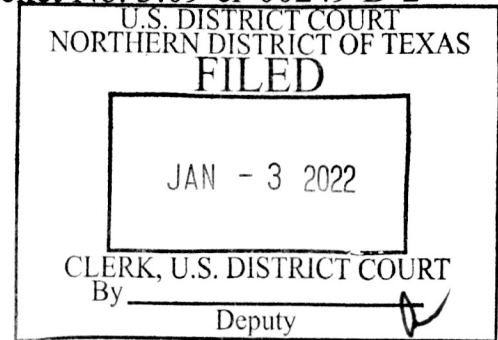
Plaintiff.

-VS-

MICHAEL BLAINE FAULKNER,

Defendant.

Docket No. 3:09-cr-00249-D-2



**MOTION FOR RECONSIDERATION
BROUGHT PURSUANT TO RULE 60(b)
IN SUPPORT OF PREVIOUS
MOTION FOR COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C.
§3582 (c) (1) (A)**

COMES NOW the Defendant herein, MICHAEL FAULKNER, pro se, and presents this Motion for Reconsideration and moves this Honorable Court to order to grant his Motion for Compassionate Release pursuant to 18 U.S.C. §3582(c) due to the substantial risk to himself and the community from the current COVID-19 pandemic. In support of the motion, Mr. Faulkner asserts the following.

A. Legal Standard on a Motion for Reconsideration

Although the Fifth Circuit has noted that the Federal Rules "do not recognize a 'motion for reconsideration' in haec verba,"⁵⁶ it has consistently recognized that

such a motion may challenge a judgment or order under Federal Rules of Civil Procedure 54(b), 59(e), or 60(b).⁵⁷ Federal Rule of Civil Procedure 59(e) also allows courts to alter or amend judgments after entry. The Court has "considerable discretion" in deciding whether to grant a motion for reconsideration, but {2021 U.S. Dist. LEXIS 18} must "strike the proper balance between two competing imperatives: (1) finality and (2) the need to render just decisions on the basis of all the facts."⁵⁸ This Court's discretion is further bounded by the Fifth Circuit's instruction that reconsideration is "an extraordinary remedy that should be used sparingly,"⁵⁹ with relief being warranted only when the basis for relief is "clearly establish[ed]."⁶⁰ Courts in the Northern District of Texas have generally considered four factors in deciding motions **for reconsideration** under the Rule 59 (e) standard:

- (1) the **motion** is necessary to correct a manifest error of law or fact upon which the judgment is based;
- (2) the movant presents newly discovered or previously unavailable evidence;
- (3) the **motion** is necessary in order to prevent manifest injustice; or
- (4) the **motion** is justified by an intervening change in controlling law.⁶¹

WHEREFORE, in consideration of the foregoing, Mr. Faulkner respectfully prays that this Court reconsider the issue in light of the DECLARATION OF MICHAEL BLAINE FAULKNER IN SUPPORT OF MOTION FOR COMPASSIONATE RELEASE AND/OR REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c) (1) (A), which hopefully addresses any concerns of the court regarding a possible danger to the public.

Respectfully submitted,




Michael B. Faulkner, declarant

CERTIFICATE OF SERVICE

I, Michael Blaine Faulkner hereby declare under the penalty of perjury that I am a party to this action and have deposited in the mail system of the Texarkana Federal Correctional Institution the original **MOTION FOR RECONSIDERATION and DECLARATION OF MICHAEL BLAINE FAULKNER**, with the appropriate first class postage for the parcel addressed to the following:

CLERK OF THE COURT
United States District Court
Northern District of Texas
1100 Commerce Street Room 1452
Dallas, Texas 75242-1495

Signed on this the 21th day of December, 2021 in Texarkana, Texas.



Michael Blaine Faulkner, Declarant

M. BLAINE FAULKNER
REG NO. 03829-078
FEDERAL CORRECTION INSTITUTION
FCI TEXARKANA
POST OFFICE BOX 7000
TEXARKANA, TEXAS 75505



JAN - 3 2022

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK
1100 COMMERCE - ROOM 1452
DALLAS, TEXAS 75242-1495

****LEGAL MAIL****
****LEGAL MAIL****

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MAIL ROOM
FBI/TEXARKANA, TEXAS 75606-6900
Date: 12-28-2021
The enclosed letter may present a question of law or fact that you are requested
for forwarding to you. The letter has been sent by registered mail, return receipt
requested. If the matter raises a question of law or fact, you are requested to
indicate, you may wish to return the material for further information
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indicate otherwise. Please return the enclosure to the above address.